

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ROBERT LEWIS MEESE,

Plaintiff,

v.

No. 2:17-cv-00140-KRS

NANCY A. BERRYHILL,  
Acting Commissioner of Social  
Security Administration,

Defendant.

**ORDER GRANTING MOTION FOR ATTORNEY FEES AND COSTS UNDER EQUAL  
ACCESS TO JUSTICE ACT (EAJA)**

**THIS MATTER** having come before the Court upon Plaintiff's Unopposed Motion for Attorney Fees Under Equal Access to Justice Act (Doc. #29) the Court **FINDS** that the motion should be **GRANTED**.

**IT IS, THEREFORE, ORDERED** that attorney fees be, and hereby are, awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), payable to Plaintiff in care of his attorney in the amount of \$1,697.40. *See Astrue v. Ratliff*, 560 U.S. 586, 598 (2010) (EAJA fees are paid to the prevailing party, not the attorney). Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection with this action. This EAJA award is without prejudice to Plaintiff's attorney's right to seek attorney fees pursuant to 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. *See* 28 U.S.C. § 2412(c)(1) (2006).

**IT IS FURTHER ORDERED** that, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style.

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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE  
Presiding by Consent